

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BILLY BRANTLEY, et al.,

Plaintiffs,

V.

CINERGY CORP.,

Defendant.

CASE NO. C-1-01-378

Judge Susan J. Dlott

PLAINTIFFS' MOTION FOR A FURTHER EXTENSION OF TIME
TO RESPOND TO DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT
AND MOTION TO SEVER PLAINTIFF'S CLAIMS

Plaintiffs move the Court to grant them a further extension of time, to September 23, 2004, to file their responses to Defendant Cinergy Corp's Motions for Summary Judgment as to all plaintiffs and Defendant Cinergy Corp's Motion to Sever Plaintiff's Claims, with a concomitant extension of time to October 18, 2004, for Defendant to file its replies to Plaintiffs' responses. Plaintiffs submit the following Memorandum in support of this Motion, with a proposed Order attached hereto.

Memorandum in Support of Motion

The due date for Plaintiffs' responses is currently September 9, 2004, and Defendant's replies are due on October 14, 2004. The Plaintiffs previously requested and were granted a two-week extension to the current due date by this Court's Order dated August 30, 2004 (Doc. no. 93). That extension has proven inadequate and insufficient for Plaintiffs to complete their responses, for reasons set forth in their original motion for an extension filed on August 26, 2004 (Doc. no. 92), and for the following additional reasons: (i) the associate who drafted opposing memoranda did not

anticipate the magnitude of the tasks she undertook, which were not completed by Wednesday, September 1, when she had to leave for her wedding and honeymoon (she remains on her honeymoon); and (ii) when she left for her wedding and honeymoon, her work product still required substantial attention and time from the partner primarily responsible for the Plaintiffs' responses, and now, the attention and time of additional associates, all of whom have worked and continue to work diligently to complete Plaintiffs' responses.

The requested further extension will not disrupt or interfere with the schedule for further proceedings in this action. Thus, for good cause shown, Plaintiffs respectfully request that this Court grant the further requested extension. A proposed order is attached.

Respectfully submitted,

s/Susan Donahue
Susan Donahue (*pro hac vice*)
WIGGINS, CHILDS, QUINN & PANTAZIS
The Kress Building
301 19th Street North
Birmingham, AL 35203
Telephone: (205) 314-0500
Facsimile: (205) 254-1500
sgd@wcqp.com
Attorney for Plaintiffs

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ORDER

The Court being in all respects fully and sufficiently advised, Plaintiffs' Motion for a Further Extension of Time to Respond to Defendant's Motions for Summary judgment and Motion to Sever Plaintiffs' Claims is **GRANTED**, thereby making Plaintiffs' Responses due on September 23, 2004. Defendant's time to file its replies is also extended, such that Defendant's replies are due on October 14, 2004.

IT IS SO ORDERED.

Susan J. Dlott
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to:

Jill Thompson O'Shea, Esq.
Cinergy Services, Inc.
139 East Fourth Street
P.O. Box 960
Cincinnati, OH 45201

Gregory V. Mersol
Baker & hostetler, LLP
3200 National City Center
1900 East Ninth street
Cleveland, OH 44114-3485

s/Susan Donahue
Susan Donahue (*pro hac vice*)